

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Sonya Mary Streiff-Garza,

Case No. 16-cv-2760 (WMW/TNL)

Plaintiff,

v.

**ORDER ADOPTING AS MODIFIED  
REPORT AND RECOMMENDATION**

Wendy's – Four Crown International,

Defendant.

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This matter is before the Court on the September 8, 2016 Report and Recommendation (“R&R”) of United States Magistrate Judge Tony N. Leung. (Dkt. 10.) No objections to the R&R have been filed in the time period permitted. Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The R&R, (Dkt. 10), is **ADOPTED AS MODIFIED** as outlined herein;
2. This action is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction pursuant to Rule 12(h)(3), Fed. R. Civ. P.;
3. Plaintiff's application to proceed *in forma pauperis*, (Dkt. 2), is **DENIED AS MOOT**;
4. Plaintiff's motion to take notice, (Dkt. 3), is **DENIED AS MOOT**; and
5. Defendant's motion to dismiss, (Dkt. 6), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 30, 2016

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge